

**The Regular Meeting of the  
Brian Head Town Council  
Town Hall - 56 North Highway 143,  
Brian Head, UT 84719  
TUESDAY, JULY 8, 2014 @ 1:00 PM**

**Roll Call.**

**Members Present:** Mayor H.C. Deutschlander, Council Member Jim Ortler, Council Member Larry Freeberg, Council Member Clayton Calloway, Council Member Reece Wilson.

**Staff Present:** Bret Howser, Nancy Leigh, Dan Benson, Wendy Dowland, Tom Stratton, Molly Cosby, Krista OConnell

**A. CALL TO ORDER**

Mayor Deutschlander called the regular meeting of the Brian Head Town Council to order at 1:00 pm.

**B. PLEDGE OF ALLEGIANCE**

Mayor Deutschlander led the Council and others in the Pledge of Allegiance.

**C. DISCLOSURES**

There were no conflicts of interest with today's agenda items. Mayor Deutschlander stated that the disclosure statements are on file at the Town Clerk's office and are available for public inspection during normal business hours.

**D. APPROVAL OF THE MINUTES:**

- **June 18, 2014 Town Council Special Meeting**

**Motion:** Council Member Freeberg moved to approve the June 18, 2014 Town Council minutes. Council Member Wilson seconded the motion.

**Action:** **Motion carried 5-0-0 (summary: Yes = 5 Vote: Yes: Council Member Calloway, Council Member Freeberg, Council Member Ortler, Council Member Wilson, Mayor Deutschlander).**

- **June 24, 2014 Town Council Meeting**

**Motion:** Council Member Calloway moved to approve the June 24, 2014 Town Council minutes. Council Member Freeberg seconded the motion.

**Action:** **Motion carried 5-0-0 (summary: Yes = 5 Vote: Yes: Council Member Calloway, Council Member Freeberg, Council Member Ortler, Council Member Wilson, Mayor Deutschlander).**

- **June 24, 2014 Town Council Closed Session**

**Motion:** Council Member Ortler moved to approve the June 24, 2014 Town Council Closed Session minutes. Council Member Calloway seconded the motion.

**Action:** **Motion carried 5-0-0 (summary: Yes = 5 Vote: Yes: Council Member Calloway, Council Member Freeberg, Council Member Ortler, Council Member Wilson, Mayor Deutschlander).**

**E. PUBLIC INPUT/ REPORTS (Limited to three (3) minutes) Non-Agenda Items****Council Member Calloway**

1. Reported that Stone Castle Recycling plant caught fire again this past weekend.
2. Asked the Council to take a good look at the parking situations from this past holiday weekend and to consider the parking plan from Utah Department of Transportation (UDOT) which is in Tom Stratton's office.

**Mayor Deutschlander** thanked the volunteers who participated in the town's annual firework presentation on the 4<sup>th</sup> of July. Mayor Deutschlander received many good comments on the town's fireworks display and events that took place.

**Council Member Wilson** thanked those who worked this last weekend including the public works crew who picked up the garbage from the weekend.



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**Council Member Freeberg** also expressed his thanks to the town staff for their efforts this past weekend.

**Bret Howser, Town Manager**

1. The Iron County Coordinating Council (ICCC) meeting was held in Brian Head last week. One item of discussion was a resolution that has to do with constitutionality and the federalism that is involved. The County has passed the resolution and is asking that the cities/towns also pass the resolution. Staff will be presenting the resolution to the Council in the near future.
2. There was an Aspen Drive Annexation open house held at the public safety building last week. The group of sponsors and staff were present to answer questions from the property owners on a proposed annexation of the Aspen Drive area. Staff is working on answers to questions that were posed to the town such as an estimate for a Special Service Area for water to the area. Staff will keep the Council updated on the issue.

**Dan Benson, Public Safety Director**

1. Thanked the volunteers and staff for their efforts over the 4<sup>th</sup> of July weekend. The fire station held an open house for the public in which the department was showcased along with other agencies. One agency was the K9 unit from Cedar.
2. The town received a fire grant for \$14,900 for wildland fire. No other department received this particular grant which is a 50% match which can be an in-kind match. The department will be purchasing radios, pagers and personal protection equipment for wildland fire.
3. Staff met to discuss possible changes for next year's parking during the 4<sup>th</sup> of July. The staff will strive to continue to improve the parking for larger crowds in the future.
4. Council Member Freeberg inquired if there were several calls for police during the weekend. Chief Benson responded the department was very pro-active in being seen and had only a couple of calls for disorderly conduct but no major accidents and/or crimes.

**Tom Stratton, Public Works Director**

1. Waylan Schemes has accepted another job offer and his last day will be this Thursday. Waylan has been part of the trails crew for the past few years. Staff appreciated his efforts in this position and wishes him the best in his new job.
2. Requested the direction of the Council regarding the town's recycling since Stone Castle Recycling is closed due to a fire. The town has the option to transport the recycling to St. George, but would only include cardboard. The estimated cost for a trip to St. George would be \$250-\$300 and the town could make one to two trips per month depending on the amount of cardboard in the dumpsters. The Council held discussion on the following:
  - The town currently has an agreement with Robinson Recycling to transport the town's metal recycling to them.
  - If the cost is \$250-\$300 per trip with 2 trips, it could cost the town approximately \$6,000 to \$8,000 annually to haul cardboard to St. George. Staff will also need to consider the wear/tear of the vehicle in traveling to St. George.
  - The cost of hauling it to the County landfill vs. hauling to St. George. The landfill charges a dump fee for the recycling.
  - The cardboard collection would be seasonal with increase in cardboard in November and June, which staff should research to determine if a trip to St. George is needed or not.
  - Supermarkets send their cardboard somewhere. Council Member Ortler suggested that staff research some options for the town and find out how supermarkets handle their cardboard issues.
  - Whether a cardboard bailer would be advantageous for the town instead of hauling the loose cardboard

**Consensus of the Council:** Staff will research options and costs associated with recycling and present to Council in the future.

3. The public is now utilizing the Bristlecone pond. Over the 4<sup>th</sup> of July weekend there were kayaks, paddle boards along with several people fishing the shoreline.
4. Highway 143 held up during the rains and the amount of people who were here for the holiday weekend.
5. Council Member Freeberg inquired about the Bearflat well. Tom explained staff has been researching options to repair the well in which a liner would be installed in the well casing. Other items to finish will be the hydroseeding along with putting some straw bales along the slope to prevent erosion.

**Gary Petill**, Southview condo owner, commented on how well the town did with the 4<sup>th</sup> of July weekend and the annual fireworks display. He is impressed with all of the improvements the town has been making. Mr. Petill explained that five years ago he was walking his dog and was attacked by two pitbulls on Burt's road and he would like to thank Chief Benson for his service from back then.

Mr. Petill explained one of the reasons he is here today is on behalf of Southview Homeowners Association. They also wish to pass on their thanks for a successful holiday and to request the town consider paving the road in front of Southview Condominiums. Mr. Petill went on to explain the road is deteriorating and is extremely muddy at times especially in April and May. He understands that the budget is tight, but would appreciate any consideration from the town.



## F. AGENDA ITEMS:

### 1. PLANNING COMMISSION MEMBER(S) APPOINTMENT. Planning Commission Member and Alternate Member appointment.

Bret Howser, Town Manager, explained there is a current vacancy in the Planning Commission with the resignation of Planning Commission Aaron Bradley. The town has advertised the vacancy and received a letter of interest from Beau Bryan (see attached).

Bret recommended the Council appoint Georg Hartlmaier from Alternate Member to Planning Commission Member and appoint Beau Bryan as the Planning Commission Alternate Member. Bret gave a brief background of Mr. Bryan's experience and he is currently working at Cedar Breaks Lodge. Bret requested the advice and consent of the Council.

Council Member Ortler expressed his concerns regarding Commissioner Hartlmaier as a Planning Commission Member. Commissioner Hartlmaier has missed several Planning Commission meetings due to other commitments.

**Motion:** Council Member Ortler moved to approve the recommendation of the Town Manager to appoint Georg Hartlmaier as Planning Commission Member and Beau Bryan as Planning Commission Alternate Member. Council Member Calloway seconded the motion.

**Action:** **Motion carried 5-0-0 (summary: Yes = 5 Vote: Yes:** Council Member Calloway, Council Member Freeberg, Council Member Ortler, Council Member Wilson, Mayor Deutschlander).

### 2. BRANDING RECOMMENDATION. The town's logo and slogan as part of a branding campaign for Brian Head Town.

Molly Cosby, Branding Intern, updated the Council on the Branding Committee meeting on July 1, 2014. The committee took a step back to look at the logo and decided on four things that were uniquely Brian Head; a) rustic mountain community b) focused on nature c) recreation/adventure encompassing outdoor sports d) a family friendly oriented community. Molly reported the committee agreed on a logo for the town (see attached) and is presenting it to Council for their approval. The Council held discussion on the following:

- The committee agreed to keep the lettering and banner as to what the Council requested.
- Brian Head Peak was determined as part of the logo since it is unique to Brian Head and also identifies recreation and nature. The committee is looking to revise the peak outline and will be working on a color scheme.
- Council Member Wilson commented he would consider option #4 which has possibilities.
- The logo could be the lettering and banner if decided.
- Council Member Freeberg commented that the option #4 version would need to be modified slightly, but still likes the current town logo identifying the different sports.
- The committee would like the consensus of the Council on the proposed concept and if the committee should continue with the proposed logo.
- Council Member Calloway commented he would like to see the same type of lettering and banner, but is not impressed with what has been presented to Council and inquired as to why the logo should only have three colors at the most. Staff responded it is to keep the cost of printing the logo down, with the multiple colors and gradient the cost for printing is high.
- The Branding committee decided not to identify the colors at this time and present a proposed logo to the Council showing a black/white logo first. The committee was discussing a dark brown and green as the colors for a logo.
- Council Member Ortler commented the current logo represents Brian Head and he doesn't understand why there is a need to change the logo, but recognizes the younger generation is the future and maybe the Council should defer to them to make it more marketable.
- Mayor Deutschlander commented he is in favor of keeping the current logo.
- Beau Bryant commented that the current logo is outdated and the town should consider a more contemporary design. Beau explained that the majority of guests who visit Brian Head are not aware Brian Head is a four season town and believes the town should be promoting four seasons and activities. Beau agreed to be part of the Branding Committee and will share some of his experience in branding.

**Consensus of the Council:** The Branding Committee will present a portfolio for the logo.

Molly went on to present a slogan to the Council for consideration. Molly explained the town held a contest for slogans in which the town received 25-30 slogan ideas. The Branding Committee picked the top three slogans: 1) Family – Friendly – Fun. 2) Experience. 3) Live and Play at 10,000 feet. The Council held discussion on the following:

- Whether Brian Head Town was located exactly at 10,000 feet.
- Keeping the slogan simple by using only 2-5 words.



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- The word “experience” can also be used as a part of a campaign.

**Consensus of the Council:** The Branding Committee will continue to review slogans and bring back some other options to the Council for consideration.

### 3. REAL PROPERTY DISPOSAL ORDINANCE. An ordinance for the disposal of the town’s real property.

Bret Howser, Town Manager, presented a revised draft of the real property disposal ordinance (see attached) based on Council’s directives from the June 22<sup>nd</sup> Council meeting. The revised ordinance identifies the following: **a)** an official list that is advertised of what is surplus real property which will be put on the town’s website and **b)** if someone does make an offer on a property that is on the list, the Town Manager has the ability to negotiate the sale and does not require a realtor to finalize the sale price. The Town Manager can only complete the sale if the offer is within 10% of the appraised value, otherwise, the Council will consider the request.

The Council discussed the following:

- A list of properties the town may consider for trading purposes. Staff will be reviewing the General Zoning Map and will draft a list of target properties the town would be willing to trade for.
- Other properties near Village Way and Steam Engine Drive would be properties the town may want to acquire and preserved for the future.
- Page 4, line 16 “the Town Manager may negotiate the surplus property”.... Council Member Ortler commented that additional language should be identified in which if the Town Manager receives and offer for property not listed for sale, the town should have an appraisal completed, but only if it is a serious offer.
- The real estate commission is 10% for raw land and 6% for improved land. The ordinance identifies a 6% commission.

**Motion:** Council Member Ortler moved to table this agenda item and direct staff to correct the formatting and correct the language and present to Council at the next meeting. Council Member Wilson seconded the motion.

Council Member Calloway inquired as to when a property would trigger a need for an appraisal to determine if an offer is credible. Bret responded staff would contact some realtors to determine whether to pursue an appraisal.

**Action:** **Motion carried 5-0-0, roll call vote: (summary: Yes = 5 Vote: Yes: Council Member Calloway, Council Member Freeberg, Council Member Ortler, Council Member Wilson, Mayor Deutschlander).**

### G. CLOSED SESSION OF THE TOWN COUNCIL. A strategy session to discuss pending or imminent litigation.

Mayor Deutschlander reported that a closed session would not be needed at this time.

**Motion:** Council Member Calloway moved to recess the regular meeting of the Brian Head Town Council for a ten minute break. Council Member Freeberg seconded the motion.

**Action:** **Motion carried 5-0-0 (summary: Yes = 5 Vote: Yes: Council Member Calloway, Council Member Freeberg, Council Member Ortler, Council Member Wilson, Mayor Deutschlander).**

The regular meeting of the Brian Head Town Council was recessed at 2:50 pm. The meeting was reconvened at 3:00 pm.

### H. WORK SESSION OF THE TOWN COUNCIL

#### • LAND MANAGEMENT CODE REVIEW

The Town Council reviewed the following chapters of the Land Management Code:

#### Chapter 3 – Administrative Bodies

1. **9.3.1.C. Absence and Removal: DELETE** the last sentence “The member shall be provided with a hearing on the charges, if requested”.
2. **9.3.2.A – Appeal Authority, Organization: DELETE** “town planner” from last sentence.
3. **9.3.2.B – Length of Term: DELETE** “The appeal authority may be removed by the town manager, with the advice and consent of the town council”.
4. **9.3.2.D – Meetings: DELETE** “Town Planner throughout the chapter.
5. **9.3.2.F.2 – Variances:** Council Member Ortler stated he would like a legal opinion on whether the Council hears variances. Staff will contact legal and report back to Council. **Council will revisit this section.**



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**Chapter 4 – Submittal Requirements**

1. **9.4.1-** Development Process: Staff will reproduce for clarity purposes.
2. **9.4.2.B: CHANGE** “resolution” to “ordinance”.
3. **Table 1:** Under the heading: “Required Permits/Approval” **ADD “Actions” TO READ** “Required Permits/Approvals/ Actions”.
4. **Table 1: CHANGE** heading under “Record with County Clerk (Ch. 9).” **TO READ:** “Record with County Recorder (Ch. 9)”.
5. **Table 1 - #1.A.** - Selling or conveying: **ADD “parcel” TO READ** “an existing lot in its entirety or parcel (with or with existing buildings)”.
6. **Table 1 - #1.B – ADD** “Creating” to “One new lot.....
7. **Table 1 - #1.C – CHANGE TO READ** “Creating more than one new lot”.
8. Staff will re-format Table 1- #1.A.B.C.
9. **Table 1 - #4:** Painting: **CHANGE TO READ** “Changing the external appearance of an existing commercial building requires conceptual design review”.
10. **Table 1 - #5:** Changing the Use.: Staff will weigh in on this item first before any proposed changes.
11. **Table 1 – DELETE:** #13, #14, #15.
12. **Table 1 – Key: G:** Time period for an appeal... Council Member Ortler reported there is no “G” identified in Table 1. Staff will review this item and #6 and #15 and present options to Council.

Council will begin with 9.4. Table 2 at the next work session for the Land Management Code.

**I. ADJOURNMENT**

- Motion:** Council Member Wilson moved to adjourn the regular meeting of the Brian Head Town Council for July 8, 2014. Council Member Ortler seconded the motion.
- Action:** **Motion carried 5-0-0 (summary: Yes = 5 Vote: Yes:** Council Member Calloway, Council Member Freeberg, Council Member Ortler, Council Member Wilson, Mayor Deutschlander).

The regular meeting of the Brian Head Town Council was adjourned at 3:50 pm. for July 8, 2014.

August 12, 2014

Date Approved

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Nancy Leigh, Town Clerk

